

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

MICHAEL RAY BAIRD,)
)
Plaintiff,)
)
v.) Case No. 2:04-cv-03026-JHH-HGD
)
DONAL CAMPBELL, *et al.*,)
)
Defendants,)
)

MEMORANDUM OF OPINION

The magistrate judge filed a report and recommendation on April 14, 2005, recommending that this action filed pursuant to 42 U.S.C. § 1983 be dismissed as failing to state a claim upon which relief can be granted, under 28 U.S.C. § 1915A(b)(1). The magistrate judge further recommended that the plaintiff's motion to amend be denied and that the court decline to exercise supplemental jurisdiction over his state law negligence claims, pursuant to 28 U.S.C. § 1367(c)(3). No objections have been filed.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation, the Court is of the opinion that the magistrate judge's report is due to be and is hereby **ADOPTED** and the

recommendation is **ACCEPTED**. Accordingly, the plaintiff's motion to amend the complaint (Doc. #8) is **DENIED**. Additionally, the plaintiff's § 1983 claims are due to be dismissed pursuant to 28 U.S.C. § 1915A(b)(1) and his state law negligence claims are due to be dismissed, without prejudice, pursuant to 28 U.S.C. § 1367(c)(3).

A Final Judgment will be entered.

DONE this the 26th day of May, 2005.

James H. Hancock
JAMES H. HANCOCK
SENIOR UNITED STATES DISTRICT JUDGE

SENIOR UNITED STATES DISTRICT JUDGE